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LETTER DATED 27 MAY 1997 FROM THE PERMANENT REPRESENTATIVE OF BURUNDI TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

By my letter dated 1 November 1996 (S/1996/910), I transmitted to your predecessor the letter dated 23 October 1996 in which the Government of Burundi formally proposed that the Security Council set up an international criminal tribunal to punish the crimes of genocide perpetrated in Burundi and requested direct proof and circumstantial evidence from the International Commission of Inquiry concerning the assassination of President Melchior Ndadaye, which was "planned beforehand", and concerning acts of genocide. In his reply dated 20 December 1996, the Secretary-General informed the Minister for Foreign Affairs and Cooperation of Burundi that, by the letter dated 24 September 1996 from its President addressed to the Secretary-General (S/1996/780), the Security Council had taken note of the recommendations made by the Commission and had noted that those recommendations could not be implemented under the conditions prevailing in Burundi, and had therefore decided that, once conditions permitted, the recommendations should be considered further.

I have the honour to transmit to you herewith the document by which the Government of Burundi renews its official request to the Security Council that it set up as a matter of urgency the international criminal tribunal that the entire people of Burundi so desperately desires. In the view of all the main parties concerned and qualified to judge the need for this tribunal, namely, the Government, legal political parties of all ideologies and allegiances, civil society, youth, humanitarian organizations, etc., everything points to the need for this international judicial body to be set up by the United Nations Security Council.

I should be deeply grateful, therefore, if you would communicate this request as an official document of the Security Council.

(Signed) Nsanze TERENCE
Ambassador
Permanent Representative

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Annex

Letter from the Minister for Foreign Affairs and Cooperation of Burundi addressed to the Secretary-General

On behalf of the Government of the Republic of Burundi, I have the honour to acknowledge receipt of your letter dated 20 December 1996 informing us of the follow-up given to our request of 23 October 1997 by distributing it as an official document of the Security Council.

The Government of Burundi welcomes the fact that the Security Council took note of the conclusions of the report of the International Commission of Inquiry and notes that, at that time, those conclusions could not be implemented under the conditions prevailing in Burundi (S/1996/682, para. 497).

The Government of Burundi, in consultation with all the parties concerned and with the international community, has launched a peace process so that all people of Burundi can work together, inter alia, through dialogue, for a rapid return to peace and for the restoration of the appropriate democratic institutions.

In this peace process, it will be important to put in place mechanisms for monitoring, preventing and eradicating the ideology of genocide and the crime to which it has given rise in Burundi: genocide.

To this end, the Government of Burundi has instructed me to remind you of its request for the creation of an international criminal tribunal for Burundi, as recommended by the report of the International Commission of Inquiry (paras. 496 and 498) and by the Special Rapporteur on the situation of human rights in Burundi in his October 1996 report (A/51/459), to assist Burundi in its determination to end the impunity that surrounds abominable crimes such as genocide.

The Government of Burundi has just instituted proceedings against the alleged authors of the 21 October 1993 assassination of the President of Burundi and the alleged authors of the acts of genocide and other massacres committed in Burundi since October 1993.

We welcome the assistance provided by the Centre for Human Rights in defending the accused and assisting victims who are claiming compensation, although we would like to strengthen the Centre's cooperation with all judicial bodies and with the Bujumbara Bar Association.

We should therefore like to reiterate our request for material and financial assistance to better equip the judicial system to respond to the requirements of a rapid return to peace by reassuring all citizens of their rights.

(Signed) Luc RUKINGAMA
Minister for Foreign Affairs and Cooperation